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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,920	01/15/2002	Roger N. Piasio		4481
7590 11/01/2004 The M.H. Sears Law Firm, Chartered 910 Seventeenth Street N.W.			EXAMINER	
			CHIN, CHRISTOPHER L	
Washington, De			ART UNIT	PAPER NUMBER
			1641	
			DATE MAILED: 11/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No. Applicant(s)					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE of THIS COMMUNICATION. - Ethiosopher of time may be available under the mailing date of this communication. - If the period for reply second by the communication and property of the period for reply second by the communication. - If the period for reply second by the communication of time may be available under the third communication. - If the period for reply second by the communication of time any be contained and or this communication. - If the period for reply second by the Clinica them thirty (00 days, a reply within the activatory mainman of thirty (00 days will be considered timely, and any second by the clinical test than the communication. - If the period for reply second by the Clinica test than the communication. - If the period for reply second by the Clinica test than the communication. - If the period for reply second by the Clinica test than the communication. - If the period for reply second by the Clinica test than the communication. - If the period for reply second by the Clinica test than the communication. - If the period for reply second by the clinical test than the communication. - If the period for reply second by the Clinical test than the communication. - If the period of the communication (s) filed on		Office Action Summany	10/044,920	PIASIO ET AL.				
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1) Responsive to communication(s) filed on		Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) 1-20 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the international Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		Status						
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2) U Notice of Draftsperson's Patent Drawing Review (PTO-948)	1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	٠,	nt Application (PTO-152)						

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-2 and 19-20, drawn to particles, classified in class 436, subclass518.
 - II. Claims 3-18, drawn to processes for using particles, classified in class436, subclass 514.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process such as a packing material in a chromatography column.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Chin whose telephone number is (571) 272-0815. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher L. Chin Primary Examiner

Christyl L. Chin

Art Unit 1641

10/30/04